IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 222 OF 2007
IN
CRIMINAL APPEAL NO. 196 OF 2007

Amit Dattatraya Dighe ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. S.K. Shinde and Mr.Sagar Kasar for applicant.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 18, 2007.

P.C.:

1. Heard Mr. Shinde the learned counsel for the applicant. This is an application for being released on bail during the pendency of Criminal Appeal No.196 of 2007. In all six accused were put on trial in Sessions Case No. 8 of 2005 and except accused no.3 all other five accused have been convicted for the offence punishable under Section 395 of IPC and sentenced to suffer RI for five years, as per the

order of conviction and sentence dated 27/12/2006.

2. The prosecution case is based mainly on the evidence of two witnesses i.e. PW 1 Rajendra Tilekar and PW 12 Satish Mulik and the circumstances of recovery of stolen amount at the instance of accused nos.1, 2 and 4 as well as the recovery of Indica Car of silver colour with Registration No.MH-12/AR-8651 as well as recovery of handcart, stick and rickshaw. Though there is some arguable point in the T.I. Parade conducted by PW 17 and PW 18, as per the prosecution case the main witnesses have identified the accused in the court during the trial.

3. On the face of the reasoning set out by the learned Judge of the trial court, I am satisfied that this is not a fit case to release the applicant on bail by suspending the order of sentence under Section 389 of Cr.P.C.

4. Hence the application is rejected. The learned counsel for the applicant is at liberty to submit legible copies of private paper book which

shall be certified by the Registry on the basis of the R & P. and apply for fixing the early date of hearing as soon as the paper book is submitted.

5. Call for R & P in Criminal Appeal No. 196 of 2007.

(B.H. Marlapalle,J.)